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March 21, 2005

The Honorable Sue L. Robinson  
United States District Court  
844 King Street  
Lock Box 31  
Wilmington, DE 19801

**RE: Outten v. Snyder  
C.A. No. 98-785-SLR**

Dear Chief Judge Robinson:

As directed by the Court in its March 8, 2005 Order, Petitioner respectfully submits that a certificate of appealability should issue, under and pursuant to 28 U.S.C. § 2253(c), for each of the following issues identified by Petitioner for purposes of his appeal:

1. As to each of the four specific claims set forth below, whether, pursuant to 28 U.S.C. § 2254(d)(1), the District Court erred in finding that the state court decision on the merits of the claim was neither contrary to clearly established federal law, nor involved an unreasonable application of clearly established federal law:

- (i) trial counsel rendered ineffective assistance of counsel in failing to properly investigate and prepare a cogent mitigation presentation,
- (ii) trial counsel rendered ineffective assistance of counsel in failing to seek severance of the penalty phase,
- (iii) trial counsel rendered ineffective assistance of counsel by failing to prepare an intelligent and cohesive trial strategy, and
- (iv) trial counsel rendered ineffective assistance of counsel by failing to object to the prosecutor's impermissible comment during allocution; moreover, the trial court erred as a matter of law in failing to *sua sponte* act on the impermissible comments.

2. Whether the District Court erred in finding that the Delaware death penalty statute in effect at the time of the Petitioner's trial, conviction and sentence complied with the Sixth and Fourteenth Amendments, as applied in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), *Ring v. Arizona*, 536 U.S. 584 (2002) and *Caldwell v. Mississippi*, 472 U.S. 320 (1985).

Respectfully Submitted,

/s/ **John P. Deckers**

JPD/seb

cc: Ricardo Palacio, Esquire  
Jack Outten  
Loren Meyers, Esquire  
Thomas Brown, Esquire